

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SERGIO BICALHO, et al.,	:	CIVIL ACTION NO. 08-5546 (MLC)
	:	
Plaintiffs,	:	<b>MEMORANDUM OPINION</b>
	:	
v.	:	
	:	
LUMBAR LIQUIDATORS, INC.,	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

**THE COURT** ordering the parties to show cause why the action should not be remanded to state court for lack of jurisdiction under 28 U.S.C. § ("Section") 1332 (dkt. entry no. 3, Order to Show Cause); and the Court assuming that the parties are familiar with the contents of the Order to Show Cause (see id.); and

**THE DEFENDANTS ASSERTING**, in response to the Order to Show Cause, that "they submit to the Court's determination to remand the matter the [sic] Superior Court of New Jersey" (dkt. entry no. 5, Defs. Br. at 2); and the plaintiffs, in response to the Order to Show Cause, asserting in any event that jurisdiction under Section 1332 is now lacking because they have amended the complaint to add a defendant that is deemed to be a New Jersey citizen, and thus seemingly asserting that the plaintiffs are New Jersey citizens (dkt. entry no. 7, Am. Compl.; dkt. entry no. 8, Pls. Br. at 2-3), see Kabakjian v. United States, 267 F.3d 208, 212 (3d Cir. 2001); and

**THE COURT** thus intending to (1) grant the order to show cause, and (2) remand the action to state court; and for good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: December 29, 2008